

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Beverly Leeann Collopy,)	Civil Action No.: 8:15-cv-981-BHH
parent and natural guardian of Minor)	
Jane Doe, Minor Mary Doe and Minor)	
Michael Doe;)	
Stephen M. Collopy, parent and)	<u>Opinion and Order</u>
natural guardian of Minor Mary Doe)	
and Minor Michael Doe, parental)	
figure for Minor Jane Doe;)	
Jane Doe, a minor child;)	
Mary Doe, a minor child; and)	
Michael Doe, a minor child,)	
)	
Plaintiffs,)	
vs.)	
)	
South Carolina Department of Social)	
Services, et al.)	
Defendants.)	
)	

This matter is before the Court on the Report and Recommendation (“Report”) (ECF No. 105) of United States Magistrate Judge Kevin F. McDonald recommending that the plaintiffs’ *pro se* motion for voluntary dismissal (ECF No. 91) be granted *without prejudice* pursuant to Federal Rule of Civil Procedure 41(a)(2).

This action is considered *pro se* and was automatically referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(A) and Local Civil Rule 73.02(B)(2)(e). While plaintiffs were represented by counsel at the time this case was filed, plaintiffs filed a *pro se* motion to dismiss this case in its entirety *without prejudice* (ECF No. 91), and plaintiff's counsel moved to withdraw as attorney (ECF No. 95). In his Report, the Magistrate Judge recommends that

the plaintiffs' *pro se* motion for voluntary dismissal *without prejudice* (ECF No. 91) be granted, and states that the defendants agree that the case should be dismissed, however the defendants contend that such dismissal should be *with prejudice*. As is customary, the Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if they failed to do so. (ECF No. 105 at 4.) No objections and the time for doing so expired on November 16, 2015.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). In the absence of timely filed Objections, a district court need not conduct a *de novo* review, but instead must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a careful review of the record, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error. Accordingly, the Court

ACCEPTS and incorporates the Report, (ECF No. 105), by reference into this Order.

It is therefore **ORDERED** that plaintiffs' *pro se* motion for voluntary dismissal (ECF No. 91) be granted *without prejudice* pursuant to Federal Rule of Civil Procedure 41(a)(2). All other pending motions (ECF Nos. 23, 27, 43, 44, 72, 84, 94, 95, 98) are moot.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

November 18, 2015
Greenville, South Carolina